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Attorney for 99 Cents Supermart, Inc.

IN THE UNITED STATES DISTRICT COURT
 FOR THE
 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

U.S. EQUAL EMPLOYMENT)	
OPPORTUNITY COMMISSION,)	Civil Action No. 08-0019
)	
Plaintiff,)	
)	
vs.)	ANSWER TO COMPLAINT
)	
99 CENTS SUPERMARKETS,)	
INCORPORATED, et al.)	
Defendants.)	

99 Cents Supermart, Inc., responds to the Complaint as follows:

1. No response is required to the introductory paragraph of the Complaint; to the extent a response is required, 99 Cents Supermart denies any intentional or unlawful discrimination with respect to the named charging party or any other individual.

2. With respect to paragraphs 1 and 2 of the Complaint, 99 Cents Supermart admits that this Court has jurisdiction of the claim and that Plaintiff alleges certain statutes that provide the Court with jurisdiction. Otherwise, the allegations in the paragraph are denied.

3. With respect to paragraph 3 of the Complaint, 99 Cents Supermart admits that venue lies in this Court; the remaining allegations in the paragraph are denied.

1 4. With respect to paragraph 4 of the Complaint, 99 Cents Supermart admits to
2 the same.

3 5. With respect to paragraph 5 of the Complaint, 99 Cents Supermart admits
4 that it employs and has employed at least 15 employees; the remaining allegations in the
5 paragraph are denied.
6

7 6. With respect to paragraph 6 of the Complaint, 99 Cents Supermart admits
8 that it has engaged and is engaged in an industry affecting commerce; the remaining
9 allegations in the paragraph are denied.
10

11 7. With respect to paragraph 7 of the Complaint, 99 Cents Supermart denies
12 the same.

13 8. With respect to paragraph 8 of the Complaint, 99 Cents Supermart denies
14 the same.

15 9. With respect to paragraph 9 of the Complaint, 99 Cents Supermart denies
16 the same.

17 10. With respect to paragraph 10 of the Complaint, 99 Cents Supermart denies
18 the same but admits that Plaintiff made a more limited determination with respect to 99
19 Cents Supermarket.
20

21 11. With respect to paragraphs 11, 12, 13, 14, 15, 16, 17, and 18 of the
22 Complaint, 99 Cents Supermart denies the same.

23 12. 99 Cents Supermart denies any allegation not specifically admitted.
24

25 **AFFIRMATIVE DEFENSES**

26 1. Plaintiff has failed to state a claim upon which relief may be granted.
27
28

1 2. Plaintiff's claims on behalf of the charging party and any other allegedly
2 similarly situated individuals are barred in whole or in part by laches, estoppel, waiver,
3 and the applicable statute of limitations.
4

5 3. At all material times, 99 Cents Supermart acted in good faith toward the
6 charging party and similarly situated individuals.

7 4. 99 Cents Supermart would have taken the same actions with respect to the
8 charging party and similarly situated individuals in the absence of any impermissible
9 motivating factor.
10

11 5. Charging party and similarly situated individuals are barred from obtaining
12 any relief as pleaded in the Complaint because of the failure to take reasonable,
13 necessary, appropriate, and feasible steps to mitigate their damages, if any.

14 **PRAYER FOR RELIEF**

15 For the foregoing reasons, 99 Cents Supermart prays that the Court grant the
16 following relief:

- 17 1. That Plaintiff and the charging party take nothing from the Complaint; and
18 2. That 99 Cents Supermart be awarded costs, fees, and such other relief as
19 appropriate under law and equity.
20

21 Respectfully submitted this 30th day of May 2008.

22 RICHARD W. PIERCE, LAW OFFICE, LLC

23 /s/ Richard W. Pierce

24 RICHARD W. PIERCE
25 For 99 Cents Supermart, Inc.
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